

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE AMERICAN INSURANCE
COMPANY, TRAVELERS PROPERTY
CASUALTY INSURANCE COMPANY,

CASE NO. 5:11-cv-03159-LHK

ORDER OF DISMISSAL.

Plaintiffs,

v.

LIBERTY SURPLUS INSURANCE
CORPORATION, GREENWICH
INSURANCE COMPANY,

Defendants.

AND RELATED CROSS-ACTIONS.

This case involves a number of insurance companies litigating issues relating to their respective duties to defend (and ultimately to indemnify) their insureds who have been sued in a class action pending in the California state court system.

The Court has been informed by counsel of record that a global settlement has been reached that will resolve all matters at issue in the underlying class action in state court as well as all issues involved in this action. Consummation of the settlement is contingent, however, upon approval by the state court in the underlying class action, and such approval may take an indefinite amount of time to accomplish.

It thus appears that this action will become dormant awaiting final disposition of the underlying case in state court. It further appears appropriate, therefore, in order to preserve the established law of the case, thereby promoting the interest of judicial economy in any possible future continuation of the litigation of this action, and to otherwise enhance justice and reduce the cost of litigation for all concerned, that this case should be administratively closed.

Accordingly, it is hereby ORDERED that all pending motions are TERMINATED, all established deadlines are VACATED, and this action is DISMISSED and shall be administratively closed by the Clerk; subject, nevertheless, to being reopened at any time in the future by the Court sua

1 sponte or upon motion by any party: (1) if the pending settlement of the underlying state court action
2 is not consummated and there are issues in this action that are ripe for adjudication prior to final
3 resolution of such state court action; or (2) for the purpose of entering a stipulated final judgment; or
4 (3) for other good cause shown.

5 **IT IS SO ORDERED.**

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7 Dated: November 28, 2012

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9 UNITED STATES DISTRICT JUDGE
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